

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|-------------------------------------|---|----------------------|
| MARK ROBERTSON, |) | |
| |) | |
| Petitioner, |) | |
| |) | CIVIL ACTION NO. |
| VS. |) | |
| |) | 3:13-CV-0728-G (BK) |
| WILLIAM STEPHENS, Director, Texas |) | |
| Department of Criminal Justice, |) | (Death Penalty Case) |
| Correctional Institutions Division, |) | |
| |) | |
| Respondent. |) | |

ORDER

On August 5, 2013, Mark Robertson (“Robertson”) filed a motion (docket entry 16) to reconsider the revised procedure for requesting leave to proceed *ex parte* set out in this court’s prior order of June 13, 2013 (docket entry 13). On that same date, Robertson filed an amended motion for leave to proceed *ex parte* (docket entry 17) and tendered an *ex parte* application for funding (docket entry 18). The time for respondent to respond has expired.

Robertson’s motion for reconsideration (docket entry 16) incorrectly asserts that the revised procedure requires him to disclose privileged or confidential information and is, therefore, **DENIED**.

Robertson's amended motion for leave to proceed *ex parte* (docket entry 17) requests leave to withdraw his prior motions for leave to proceed *ex parte* (docket entries 8 and 10) and his prior *ex parte* applications for funding (docket entries 9 and 11) that are superceded by the current filings. Robertson asserts that all of the information in the amended *ex parte* filing is confidential under the attorney work product privilege (docket entry 17 at 3-4). Respondent has filed no response to dispute this. Robertson's motion for leave to proceed *ex parte* (docket entry 17) is, therefore, **GRANTED**, his prior motions and applications (docket entries 8, 9, 10 and 11) are **WITHDRAWN** at his request, and the court will consider *ex parte* and under seal Robertson's *ex parte* application for funding (docket entry 18).

Respondent is **ORDERED** to provide all available state court records identified in this court's prior order (docket entry 13 at 13) within ten (10) days of the date of this order.

August 21, 2013.



A. JOE FISH
Senior United States District Judge